



**National Park Service
U.S. Department of the Interior**

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

**Perry's Victory and
International Peace
Memorial**

93 Delaware Avenue
Post Office Box 549
Put-in-Bay Ohio 43456

419-285-2184 phone
419-285-2516 fax

Approved:

"signature on file" Date: 8/20/14
Blanca Alvarez Stransky,
Superintendent

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection,

where the Superintendent has a reasonable basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and National Park Service Director's Order 12 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is the use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
Perry's Victory and International Peace Memorial
93 Delaware Avenue, PO Box 549
Put-in-Bay, Ohio 43456

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at Perry's Victory and IPM, PO Box 549, Put-in-Bay, OH 43456. It may also be found at <http://www.nps.gov/pevi/index.htm>.

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Perry's Victory and International Peace Memorial. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- The Visitor Center and Memorial will be open during the following times:
 - May 24 through November 2, open 10 a.m. to 5 p.m.
 - November 3, Visitor Center and the Memorial closes for the season.
 - No public access is allowed either in the Visitor Center or the Memorial once closed for the season without the permission of the Superintendent.

The park grounds and memorial plazas are open 24 hours a day, 365 days a year.

- State Route 357, Delaware Avenue, Toledo Avenue and contiguous sidewalks are open 24-hours a day to allow pedestrian and vehicle traffic access to dwellings south of the memorial.
- The Administration Building is open to the public from 8:30 a.m. - 4:00 p.m., Monday thru Friday except holidays.

Closures:

- The Administration Building is closed to public entry, outside of regular operating hours, 8:30 a.m. - 4:00 p.m. Monday thru Friday and holidays, except when accompanied by a park official, or when entry is authorized by the Superintendent.
- The visitor center is closed to public entry, outside of regular visitor center operation hours:
 - May 24 through November 2, open, 10 a.m. to 5 p.m. (subject to staffing and visitation)
 - November 2, Visitor Center closed for the season.
- The parking areas west of the memorial (adjacent to Highway 357) and east of the visitor center are closed to public entry at midnight daily. No overnight parking is permitted at any Government parking area.
- The Memorial Building is closed for restoration starting September 8 through October 18, 2014.
- The following areas are closed to public entry, except when accompanied by a park official or when entry is authorized by the Superintendent or a designated representative:
 - Ranger Operations Center
 - Ranger Operations Center parking area
 - Maintenance building
 - Maintenance parking area

These closures protect areas that are highly sensitive to damage, vandalism and theft, as well as, protecting the safety of park employees, and are the minimum restrictions necessary to achieve such protection. The Administration building is closed to protect sensitive material housed within. The Maintenance building and maintenance parking area are closed to public entry to secure the park's vehicles and equipment from theft or vandalism. The visitor center is closed to protect artifacts on display and the sales inventory of the park's cooperating association. Ranger Operations Center is closed to protect the park's library and property. The visitor center parking area, Ranger Operations Center parking area and parking area west of the memorial (adjacent to Highway 357) are closed outside of regular operating hours to protect park property and minimize after-hours illegal activity.

- The following areas are closed to uninvited public entry, except when accompanied by a park official, occupant of the housing area, or when entry is authorized by the Superintendent or a designated representative:
 - housing area and curtilage
 - housing parking area

- Park Avenue

These closures protect areas that are highly sensitive to damage, as well as, protecting the safety of park employees, and are the minimum restrictions necessary to achieve such protection. The housing parking area is closed to public entry to secure the park's vehicles and equipment from theft or vandalism. Park Avenue, the housing area, and the housing parking areas are closed to provide privacy to park residents including required occupancy park employees.

- Areas in need of repair or where repair, construction or maintenance activities are scheduled or being conducted are closed to the public. The area may be fenced, cordoned off with yellow caution tape or cordoned off with yellow police tape.

These closures are necessary for the maintenance of public safety and are the minimum restrictions necessary to achieve such protection.

- Picnicking is prohibited on the plaza areas of the memorial.

The plaza areas of the memorial are solemn areas surrounding the tomb of six American and British officers who were killed in the naval battle of Lake Erie. The activity of picnicking in this area is an incompatible use. The prohibition of picnicking is the minimum restriction necessary to maintain a respectful atmosphere for the fallen officers.

Closures:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Perry's Victory and International Peace Memorial is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links.) This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Determination: *Until the NPS can determine whether specific uses of unmanned aircraft are appropriate and will not cause unacceptable impacts on park resources and values, Perry's Victory and International Peace Memorial is closed to the use of these devices. The use of unmanned aircraft within the boundaries of Perry's Victory and International Peace Memorial has the potential to harm visitors, disturb wildlife, impact viewsheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. This closure is being implemented as an interim measure while this new use can be properly evaluated. A less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim closure will safeguard these values while the NPS considers how to address this new use on a long-term basis.*

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

- Volleyball is restricted to areas outside the historic landscape area, as shown on the map in Appendix A.

This restriction protects the park's sprinkler heads from damage by concentrated use and is the minimum restriction necessary to achieve such protection.

- Recreational activities such as kite flying, throwing flying disks, picnicking, sunbathing, snowshoeing, bicycling, cross-country skiing, incidental sports games, etc., are only permitted on the park grounds and not on the plaza areas of the memorial.

Restrictions are necessary due to the incompatibility of these activities with the congressional legislation created to maintain the memorial "...perpetually memorializing the victory of Commodore Oliver Hazard Perry in the Battle of Lake Erie, and General William. Henry Harrison's Northwestern Campaign in the War of 1812, and commemorating the century of peace which has ensued between Great Britain and the United States since the termination of that conflict by the signing of the Treaty of Ghent..."

- Parking in the visitor center and memorial parking lots is allowed for a maximum of three hours.

Parking spaces at the memorial are extremely limited. To ensure the availability of parking spaces for the public, a parking time limit is established with the minimum restriction necessary to be effective.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

- Segways and similar devices are permitted in all areas of the park except the Monument Column and the top deck of the seawalls, provided that:
 - They do not travel faster than a walking pace in the plaza areas of the memorial.

Access to the Monument Column is not possible by visitors utilizing Segways or similar devices. Visitors wishing to access the obelisk must use the stairs which preclude the use of a Segway or a similar device. Traveling on top of the parks seawalls is inherently dangerous. These restrictions are necessary for the maintenance of public safety and are the minimum restrictions necessary to achieve such protection.

- Any item that may become loose and fall from the observation deck of the Monument is prohibited. The following items are specifically prohibited:
 - chewing gum
 - food and beverages of any kind
 - tobacco products
 - umbrellas
 - packages
 - backpacks
 - loose articles of clothing

These conditions are established to protect the lives of park visitors and staff and are the minimum restrictions necessary to achieve such protection. The observation deck is located 300' above the upper plaza area. The deck is open and overhangs the plaza area. Any item dropped from the deck could potentially cause serious injury to someone below.

- All visitors must remain with their feet on the floor of the observation deck, except infants and children, when they are carried by an adult no higher than the adult's shoulders.

These conditions are established to protect the lives of park visitors and staff and are the minimum restrictions necessary to achieve such protection. The observation deck is located 300' above the upper plaza area. The deck is open and overhangs the plaza area. Anyone extending themselves without both feet on the deck is in greater danger of falling.

- The seawall ladders are for emergency use only. Swimming, diving and/or wading in the waters adjacent to the seawall is prohibited. Wheeled vehicles and conveyances (bicycles, skateboards, rollerblades, scooters, etc.) of any types are prohibited from the top deck of all seawalls. Tethering or tying off of any property to the seawall ladders, to include a boat or dingy is prohibited.

These conditions are established to protect the lives of park visitors and staff and are the minimum restrictions necessary to achieve such protection. The water near the seawall is shallow and any attempt to dive from the seawall would be extremely hazardous. Wading in the water adjacent to the seawall would be hazardous due to the limited places available to exit the water. Tethering or tying off of any property to the seawall ladders could cause a safety hazard if someone was to need access the seawall ladder and it was partially blocked.

- Wheeled vehicles and conveyances (bicycles, skateboards, rollerblades, scooters, etc.) of any types are prohibited from the top deck of all seawalls.

These conditions are established to protect the lives of park visitors and staff and are the minimum restrictions necessary to achieve such protection. The operation of any wheeled vehicle or conveyance (bicycles, skateboards, rollerblades, scooters, etc.) on the top of the deck of a seawall is extremely hazardous. Open ladder access on top of the seawall creates a narrow top deck surface increasing the likelihood of the operator falling into the lake.

- The use of golf equipment, archery equipment or any equipment using projectiles is prohibited.

These conditions are established to protect the park visitors and staff from injury and are the minimum restrictions necessary to achieve such protection. The park grounds and plaza areas are frequented by high numbers of visitors. The local residents of the east end of the island frequently walk through the park to reach the town of Put-in-Bay. The use of golf equipment, archery equipment or any equipment using projectiles on the park grounds or plaza areas could cause injury to the public not expecting objects flying about.

(a)(3) The following restrictions, limits, closures, designations, conditions, or visiting hour restrictions imposed under §§ (a) (1) or (2) have been terminated:

- **(a)(2) Use Limits:** None

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the Superintendent is required:

- **§2.10(a) Camping**
- **§2.12 Audio Disturbances:**
 - **(a)(2)** Operating a chain saw in developed areas
 - **(a)(4)** Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- **§2.17 Aircraft & Air Delivery:**
 - **(a)(3)** Delivery or retrieval of a person or object by parachute, helicopter or other airborne means

- **(c)(1)** Removal of a downed aircraft
- **§2.38 Explosives:**
 - **(a)** Use, possess, store, transport explosives/blasting agents
 - **(b)** Use or possess fireworks
- **§2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, weddings, and similar events** (provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area)
- **§2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views**
- **§2.52(c) Sale or distribution of printed matter that is not solely commercial advertising**

§2.62 Memorialization:

- **(a)** Erection of monuments (requires approval from Regional Director)
- **(b)** Scattering ashes from human cremation
- **§3.3 Use of a vessel**
- **§4.11(a) Exceeding of established vehicle load, weight and size limits**
- **§5.1 Advertisements** (display, posting or distribution)
- **§5.3 Engaging in or soliciting any business** (requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations)

§5.5 Commercial Photography/Filming:

- **(a)** Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television, requires advance written permission from the Superintendent.
- **(b)** Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising, requires advance written permission from the Superintendent.
- **§5.6(c) Use of commercial vehicles on park area roads** (The Superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available).
- **§5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, any private or public utility, etc.**

III. GENERAL REGULATIONS

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- Camping is allowed on the park grounds during special events with a permit issued by the Superintendent or a designated representative.

36 CFR §2.11 – PICNICKING

Certain areas have been closed to picnicking and are listed in section 1.5(a) (1) “Closures”.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

- **Designated Areas:**
 - Fires are allowed on the memorial grounds during special events with a permit issued by the Superintendent or a designated representative.
- **Receptacles Allowed:**
 - Fire pans are required for all fires and must be fire resistant, provide a minimum fire surface area of 144 square inches, and have sides at least two inches higher than the base of the pan. Fire pans may be rigid, folding, collapsible, or of blanket style construction.
- **Established Conditions for Fires:**
 - Fires must be approved in advance by the Superintendent or a designated representative.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Immediate cleaning up of pet excrement is required during the months of May through September, which are periods of heavy visitor use for picnics, sunbathing, interpretive programs and similar recreational activities. (It is suggested that pet excrement is first wrapped in newspaper, then contained within a plastic bag, prior to disposal.)

(e) Pets may be kept by park residents under the following conditions:

- Seasonal employees are not permitted to have pets, except for:
 - Guide/service dogs accompanying visually or hearing impaired persons or other legally recognized special needs dogs
 - authorized dogs used by law enforcement personnel.
- Permanent employees are permitted to have pets, under the following policy:
 - Unless special circumstances exist, the number of pets (dogs and cats) per unit is limited to two. The limit may only be exceeded with prior approval from the Superintendent.

- Pet owners are responsible for the actions of their pets. Any excessive cleaning or damages to Government property including grounds will be charged to the tenant through a Bill for Collection.
- The resident shall ensure that pets do not make unreasonable noise that disturbs other park visitors or employees, or that frightens wildlife by barking, howling, or making other noise.
- The resident must also assure that all pet excrement is regularly disposed of properly (in plastic bags) in trash cans.
- Upon vacating Government housing unit, the occupant will be responsible for repairing all damage and removal of odors caused by the pets. Any remaining damage will be billed to and payable by the former occupant.
- A violation of any of the aspect of this policy will result in a warning (either written or verbal), citation, pet impoundment and/or eviction depending on the severity of the incident. Circumstances of the incident will be forwarded to the Administrative Officer, their supervisor or the Superintendent as appropriate. Should a second violation occur, a citation will be issued, their pet certification may be cancelled, or the resident may be evicted.
- Violation of any aspect of this policy may be grounds for eviction. Pet ownership within the park is a privilege.

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.

36 CFR §2.18 – SNOWMOBILES

(c) Snowmobiles may be operated only on routes designated in § 7.31

- **§ 7.31 Perry's Victory and International Peace Memorial**

Snowmobiles. After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the Superintendent may permit the use of snowmobiles on that portion of land situated between State Route 357 and the seawall which designates the north boundary of the Memorial. This route will extend from the extreme northeast corner of the boundary to the middle of the intersection of State Route 357 and Toledo Avenue.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates/blades, skateboards, coasting vehicles, or similar devices are allowed only in the following areas:

- On concrete sidewalks or pavement of the Monument provided they do not interfere with pedestrian traffic.
- Use is prohibited in the following areas:
 - The plaza areas of the memorial
 - The top deck of seawalls

36 CFR §2.21(a) – SMOKING

- Smoking in the following buildings is prohibited:

- All public buildings
- Government housing dormitory
- Shared (seasonal) housing
- Apartments

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

- An entrance fee of \$3 per person is charged for entrance to the observation deck of the memorial for visitors sixteen years of age and over.
- A \$10 Perry's Victory and International Peace Memorial Annual Pass may be purchased for entrance to the observation deck of the memorial by a family.
- A valid "America the Beautiful" – the National Parks and Federal Recreational Lands Pass may be presented in lieu of paying for an entrance fee to the observation deck of the memorial.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- **No person shall have in the person's possession an open container of beer or intoxicating liquor in any public place except a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:**
 - The person or guest is a passenger in the limousine.
 - The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.
 - The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

These conditions are a necessary and parallel State law, due to the incompatible of these activities with the congressional legislation created to maintain the memorial "...perpetually memorializing the victory of Commodore Oliver Hazard Perry in the Battle of Lake Erie, and General William. Henry Harrison's Northwestern Campaign in the War of 1812, and commemorating a century of peace ... vested in the United States solely, in perpetual trust for the use, occupancy, and enjoyment of said memorial and other memorial public uses and purposes not inconsistent with said memorial."

36 CFR §2.38 – EXPLOSIVES

(b) Fireworks and firecrackers may be possessed and/or used in the following areas, under the conditions noted:

- Park residents are authorized to **light sparklers** on the Fourth of July pursuant to the following conditions:
 - Only in the government housing area at the southeast end of Park Avenue, on concrete sidewalks or pavement.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

(e) The Superintendent shall designate on a map that shall be available in the office of the Superintendent the locations available for public assemblies. Locations may be designated as not available only if such activities would:

(2) Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic or commemorative zones; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service

- Locations available for public assemblies are shown on the public assembly map in Appendix B.
- No public assemblies are permitted on the plaza areas or in the memorial column.

The plaza areas and the memorial column are solemn areas surrounding the tombs of six American and British officers who were killed in the navel battle of Lake Erie. The activity of a public assembly might unreasonably impair the atmosphere of peace and tranquility maintained in the commemorative zones.

- No public assemblies are permitted in the following areas:
 - Ranger Operations Center
 - Maintenance building
 - Visitor Center
 - Administration Building
 - Housing area
 - Ranger Operations Center parking area
 - Maintenance building parking area
 - Visitor Center parking area
 - Administration Building parking area
 - Housing parking area

Public assemblies in the areas listed above would unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service.

36 CFR §3.3 – VESSEL PERMITS

Permits are required for the use of a vessel in the following areas:

- On Lake Erie within the boundary of the memorial; this is shown on the map in Appendix A.

36 CFR §3.21 – SWIMMING AND BATHING

(a)(1) The following areas are closed to swimming and bathing:

- Swimming, diving and/or wading in the waters off the seawall are prohibited.

36 CFR §4.20 – STATE LAW APPLICABLE

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.

- Put-in-Bay City Ordinance regarding traffic and the use of vehicles within a park is adopted.
 - Golf carts are considered as a vehicle.

(b) Violating a provision of State law is prohibited.

36 CFR §4.30 – BICYCLES

(a) The following additional routes located in developed areas or special use zones have been designated for bicycle use:

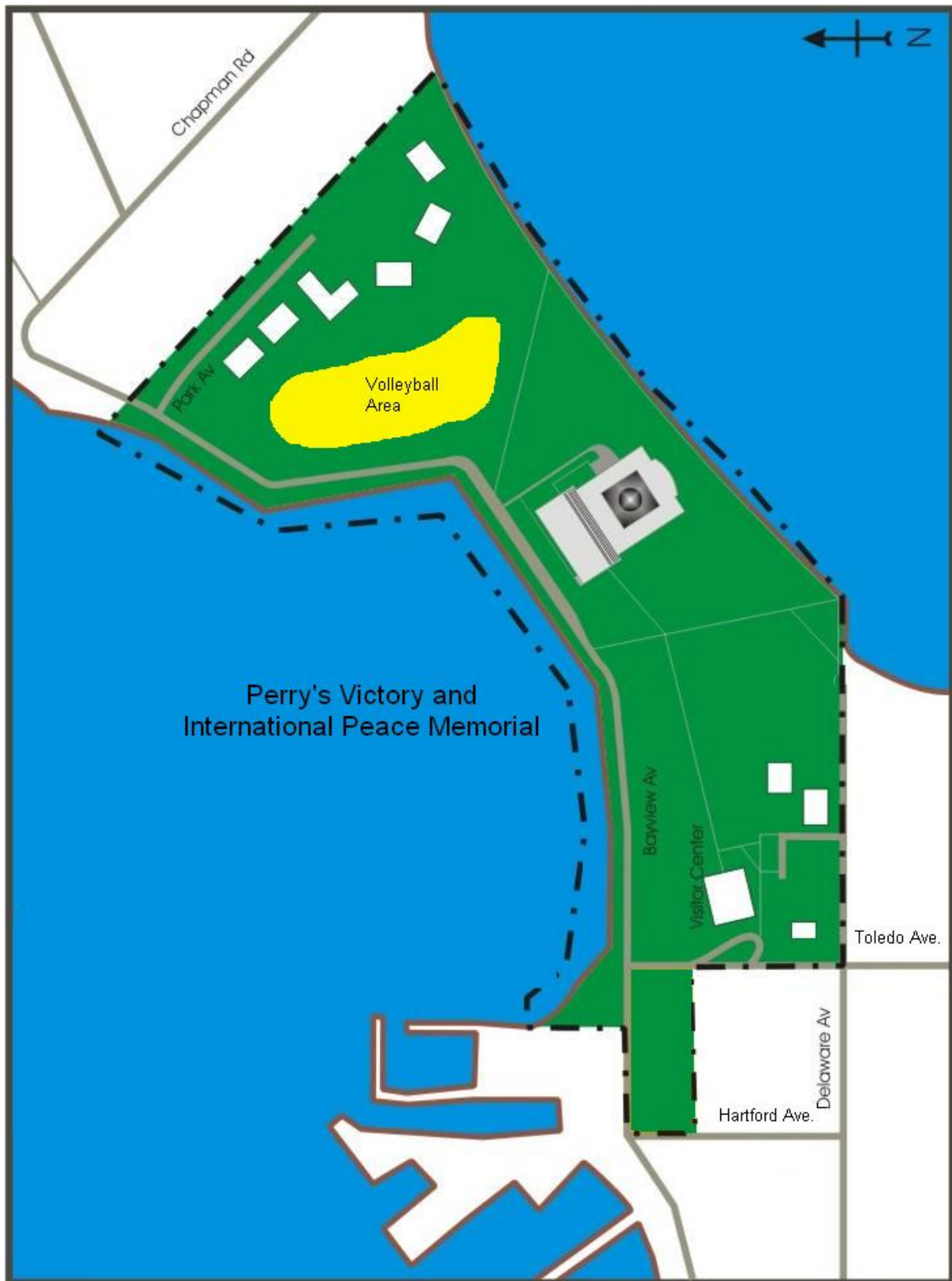
- On concrete sidewalks or pavement of the Monument provided they do not interfere with pedestrian traffic except for:
 - The plaza areas of the memorial
 - The top deck of seawalls

These conditions allow for public use without impacting the memorial's natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources.

(d)(3) (3) Operating a bicycle abreast of another bicycle except where authorized by the Superintendent.

- Riding a bicycle abreast of another bicycle is allowed on park roads to reduce visitor confusion by mirroring State law.

Appendix A.



Appendix B.

